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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION  
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12 EPIC GAMES, INC.,  
13 Plaintiff, Counter-defendant,  
14 vs.  
15 APPLE INC.,  
16 Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**DECLARATION OF ANDREW ROPE  
IN SUPPORT OF SEALING PORTIONS  
OF APPLE INC.'S PROPOSED  
FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

The Honorable Yvonne Gonzalez Rogers

Trial: May 3, 2021

1 I, Andrew Rope, declare as follows:

2 1. I am currently a Senior Legal Project Manager for non-party Google, LLC. I have  
3 been employed by Google since February 2018 and have held my current position since July  
4 2019. Over the course of my employment at Google, I have acquired personal knowledge of  
5 Google's practices and procedures concerning the maintenance of the confidentiality of its  
6 strategic, business, and marketing information.

7 2. I submit this declaration in support of sealing portions of Apple Inc.'s Proposed  
8 Findings of Fact and Conclusions of Law, ECF 405.

9 3. The contents of this declaration are true and correct to the best of my knowledge,  
10 information and belief, and are based on my personal knowledge of Google's policies and  
11 practices as they relate to the treatment of confidential information, the materials that were  
12 provided to me and reviewed by me, or conversations with other knowledgeable employees of  
13 Google. If called upon as a witness in this action, I could and would testify competently thereto.

14 4. The first sentence of Paragraph 399.4 at page 93 in ECF 405 quotes the findings in  
15 a confidential October 2018 Google marketing analytics report [DX-3598]. Google's practice  
16 generally, and specifically with respect to this report, is to maintain strict confidential treatment  
17 of such internal business analyses. In my experience and to the best of my knowledge, Google  
18 does not disclose reports of this nature outside of the company. This report incorporates highly  
19 sensitive and proprietary information that Google relies upon to pursue its commercial interests.  
20 The disclosure of Google's confidential information, such as information contained in internal  
21 business analyses like this report, could significantly harm Google's competitive position with  
22 respect to customers and competitors.

23 5. The last two sentences of Paragraph 536 at page 120 in ECF 405 quote statements  
24 contained in a confidential presentation to Google's Board of Directors from May 2019 relating  
25 to Google's business processes [DX-3252]. Google's practice generally, and specifically with  
26 respect to this Board presentation, is to maintain strict confidential treatment of such  
27 presentations. In my experience and to the best of my knowledge, Google does not disclose  
28 presentations of this nature outside of the company. This presentation incorporates highly

1 sensitive and proprietary information that Google relies upon to pursue its commercial interests.  
 2 The disclosure of Google's confidential information, such as information contained in Board  
 3 presentations, could significantly harm Google's competitive position with respect to business  
 4 counterparties, customers and competitors.

5 6. While Google has requested to redact only those portions referenced herein from  
 6 Apple Inc.'s Proposed Findings of Fact and Conclusions of Law, ECF 405, and the Findings of  
 7 Fact and Conclusions of Law Proposed by Epic Games, Inc., ECF 407, numerous documents  
 8 produced by non-Party Google that are referenced in these two filings – but whose contents are  
 9 not disclosed in the filings – contain highly sensitive and confidential business information. If  
 10 any party in this matter seeks to introduce into evidence or otherwise publicly disclose any of  
 11 these documents, Google will seek to seal such documents, and it requests timely notice of any  
 12 intent to introduce or otherwise publicly disclose any such documents so that it may submit such  
 13 a motion to seal.

14 I declare under penalty of perjury that the foregoing is true and correct and that I executed  
 15 this declaration on April 12, 2021, in Aptos, California.

16  
 17 /s/ Andrew Rope  
 Andrew Rope

18  
 19 **ATTESTATION OF CONCURRENCE**

20 Pursuant to Local Civil Rule 5-1(i)(3), I, Asim Bhansali, attest that I obtained the  
 21 concurrence of Andrew Rope in the filing of this document. I hereby attest that I have on file all  
 22 holographic signatures corresponding to any signatures indicated by a conformed signature (/S/)  
 23 within this e-filed document.

24 Dated: April 12, 2021

25 /s/ Asim Bhansali  
 Asim Bhansali